

INFORMATION SHEET OF QUALIFICATIONS AND REQUIREMENTS

UNITED STATES REPRESENTATIVE IN CONGRESS 5TH DISTRICT

I. QUALIFICATIONS

- A. A candidate shall be at least 25 years of age, a U.S. citizen for seven years, and a resident of California when elected. U.S. Const. Art. I, §2

(Note: There are no district residency requirements for members of Congress.)

- B. A candidate shall satisfy the following registration requirements:

1. Be registered with the political party whose nomination he or she is seeking for not less than three months immediately prior to the time the declaration of candidacy is presented to the county elections official or, if eligible to register for less than three months, for as long as he or she has been eligible to register to vote in California. §8001(a)(1)¹
2. Not have been registered as affiliated with any other qualified political party within three months immediately prior to the filing of the declaration of candidacy. §8001(a)(2)

II. REQUIREMENTS

A. ALL CANDIDATES MUST

1. Pay a filing fee equal to 1% of the first year salary. Currently the filing fee is \$1,547.00. This must be presented to the county elections official at the time the candidate obtains the nomination papers from the county elections official. §§8103, 8105
2. Submit by January 13, 2005, petitions in lieu of filing fees containing a minimum of 3,000 signatures of registered voters residing in the district. §8106

The 3,000 in-lieu signature requirement applies to candidates seeking the nomination of the Democratic and Republican parties, as well as independent candidates. Candidates seeking the nomination of the American Independent, Green, Libertarian, Natural Law, and Peace and Freedom parties may submit a petition containing, respectively, 150, 150, 90, 29, 69 signatures of members of their own political party. §8106(a)(6)

¹ Unless otherwise noted, all code section references are to the California Elections Code.

- a. Petitions for in-lieu signatures may be obtained from the county elections official between January 11 and January 13, 2005.
- b. The candidate may submit signatures to cover all or any prorated portion of the filing fee.
- c. A registered voter may sign an in-lieu of filing fee petition for any candidate for whom he or she is eligible to vote.²

B. FOR PARTISAN CANDIDATES ONLY

- 1. Obtain nomination documents from the **county elections official of the candidate's county of residence** between January 11, 2005 and January 24, 2005. Nomination documents include nomination papers for collecting signatures and a Declaration of Candidacy that must be executed by the candidate. §§333, 10704
 - a. The Declaration of Candidacy shall be obtained from, and delivered to, the county elections official of the candidate's county of residence. §8064
 - b. Notwithstanding §8028, upon request of a candidate, the county elections official shall provide the candidates with a Declaration of Candidacy and nomination papers. The county elections official shall not require a candidate to sign, file, or sign and file, a Declaration of Candidacy as a condition of receiving nomination papers. A candidate may, in a written statement signed and dated by the candidate, designate a third party to obtain the declaration form from the county elections official and deliver it to the candidate. The written statement shall state that the candidate is aware that the Declaration of Candidacy must be properly executed and delivered not later than January 24, 2005, to the office of the county elections official from whom it was received. §§8020, 8028
- 2. Gather between 40 and 60 signatures for filing the nomination paper. §8062
 - a. Signatures on the in-lieu filing fee petitions may satisfy this signature requirement. §8061
 - b. All signers must be registered voters and members of the same political party as the candidate. §8068
 - c. The candidate may appoint circulators to serve for purposes of securing signatures to the candidate's nomination papers. §8065
 - d. Each section of the nomination paper shall be delivered to the **county elections official of the county in which the signer resides and is a voter.** §8063

² An exception exists if members of the American Independent, Green, Libertarian, Natural Law, or Peace and Freedom parties wish to use the §8106(a)(6) provisions. In the case of candidates wishing to use this provision, all signatures must be from their political party.

- e. Any candidate may obtain signatures to and sign his or her own nomination papers. §106(a)

C. FOR INDEPENDENT CANDIDATES ONLY

1. Circulate nomination papers for signatures in the congressional district between January 11, 2005 and January 24, 2005, and leave them for examination with the county elections official of the county in which the papers were circulated.
 - a. The nomination papers must be signed by voters in the district not less in number than 500 or 1% of the entire vote cast in the area at the preceding general election (1,934), whichever is fewer. §8400
 - b. Any candidate may obtain signatures to and sign his or her own nomination papers. §106(a)
 - c. All signers must be eligible registered voters at the time they sign the nomination papers. The candidate may appoint circulators for the purpose of securing signatures to the candidate's nomination papers. §§100, 8450
2. File with the county elections official, not later than January 24, 2005, a Declaration of Candidacy which states the following:
 - a. The candidate's residence address;
 - b. That the candidate is a voter in the precinct in which he or she resides;
 - c. The name of the office sought;
 - d. That he or she will not withdraw as a candidate before the election;
 - e. That if elected, he or she will qualify for the office; and
 - f. That the candidate is not, and was not at any time during the 13 months preceding the general election at which a candidate for the office mentioned in the declaration of candidacy shall be elected, registered as affiliated with a political party qualified under Section 5100. §8550

D. FOR WRITE-IN CANDIDATES ONLY

1. Statement of Write-in Candidacy
Between January 11 and February 22, 2005 for the primary election and March 7 and April 19, 2005 for the general election, file a Statement of Write-In Candidacy. The Statement of Write-In Candidacy shall contain the following information:
 - candidate's name;
 - candidate's complete residence address;
 - a declaration stating that the candidate is a write-in candidate;
 - the name of the office for which the candidate is running; and
 - the party nomination which the candidate seeks, if running in a primary election (a candidate need not be registered with the party whose nomination he/she is seeking);

- the date of the election.

§8600

2. In order to be nominated at the primary election, the write-in candidate must receive more votes than any other candidate running for that party's nomination, and must also receive votes equal to at least 1% of all votes cast for that office at the last preceding general election at which the office was filled.

III. GENERAL INFORMATION

- A. Each of the forms mentioned above is available free of charge from the county elections official.
- B. California has 53 members of the House of Representatives elected for two-year terms. This election is for the remainder of the two-year term which ends January 3, 2008.
- C. This publication is for general information only and does not have the force and effect of law, regulation, or rule. In case of conflict, the law, regulation, or rule will apply. The candidate should obtain the most up-to-date information available because of possible changes in law or procedure since the publication of this information.